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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/561,924 | 12/22/2005 | Yuko Tsusaka | 2005_1977A | 3060 |
| 52349 7590 06/15/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503 | | | | |
| EXAMINER | | | | |
| INGVOLDSTAD, BENNETT | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2427 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 06/15/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,924

Applicant(s)

TSUSAKA ET AL.

Examiner

Bennett Ingvaldstad

Art Unit

2427

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 9-18 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 9-18, 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 25, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 26-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 April 2009 has been entered.

Examiner's Amendment

A telephone call was made to attorney Andrew Dunlap on 28 May 2009 and a message was left regarding a potential Examiner's Amendment to result in allowance of all of the claims. However, the call was not returned and a rejection on the merits was necessitated.

Response to Arguments

Applicant's arguments filed 13 April 2009 have been fully considered.

Amendments to claims 2-5, 9-18, 23, and 24 have overcome the previous 112 rejections and thus the 112 rejections are withdrawn. Further, arguments concerning the allowability of the above claims over the prior art are found persuasive. See "Allowable Subject Matter" below.

The cancellation of claims 1, 19, and 22 has obviated the previous 103 rejections of those claims and thus the 103 rejections are withdrawn.

Allowable Subject Matter

Claims 2-5, 9-18, 23, and 24 are allowed.

As noted in Applicant's remarks filed 13 April 2009, the prior art separately or together fails to teach the claimed receiving a first section information "when the first section information is supplied from the information supply apparatus as a result of the information supply apparatus judging that the level of performance of the home server apparatus indicated by the criterion information sent by the requesting unit is lower than a level of performance in relation to generating the section information stored in the storage unit of the information supply apparatus...." Specifically, Applicant notes that Logan teaches downloading an improved markup data, but does not contemplate comparing and judging levels of performance at generating markup data between the improved markup data and a capability of generating markup data at the local device. Remarks at 18. Further, Applicant notes that Phillips considers version numbers and file names, but does not consider a level of performance at generating data. Remarks at 19. The examiner finds these arguments persuasive.

Claim Objections

Claims 26-28 are objected to as being dependent on rejected claim 25, but would be allowable if written in independent form. The claims contain allowable subject matter for the same reasons discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0093790 (hereinafter “Logan”) in view of US 2007/0033052 (hereinafter “Cowgill”).

Claim 25. Logan teaches a home server apparatus for recording a content (local site apparatus - para 0043) comprising a generating unit operable to generate, with use of a first characteristic amount data included in the recorded content, section information that indicates how contents are each divided into sections (see creating metadata at the user location – para 0138; metadata comprising segment information – para 0147; segments generated using such characteristic amount data as sound cues or close-captioned text - paras 0154, 0165);

a requesting unit operable to request an information supply apparatus to supply section information of the recorded content (see request for additional information about a program – para 0096; such information comprising segment data – para 0100) that is generated using second characteristic amount data that is larger in an amount of characteristics than the first characteristic amount data (segment information generated at 105 may be generated using a combination of such characteristics as scene changes, voice recognition, image content, audio recognition, etc. – para 0067);

a storing unit operable to store the section information supplied by the information supply apparatus and the recorded content in association with each other when the section information is received from the information supply apparatus, and to store the section information generated by the home server apparatus and the recorded content in association with each other when the section information is not received from the information supply apparatus (see Fig. 1 storages 133, 143, 147, 153, and 163 for storing content and metadata) and

a reproduction unit operable to reproduce the recorded content based on the section information stored in association with the recorded content (segment metadata may allow a user to reproduce a selected recorded segment - para 0007).

Logan does not further specify that the information supply apparatus has a higher processing ability than the home server apparatus.

Cowgill teaches that in a system for analyzing a media file it is typical for a server to have more processing power than a client (para 0025).

Therefore, it would have been obvious for Logan's remote information supply apparatus (ie, the server) to have had more processing power than Logan's local home server apparatus (ie, the client) due to the typical client/server processing distinction in systems for analyzing media files. Such a configuration further would have been appropriate in the system of Logan due to the client's segment information being generated using fewer characteristics (eg, using only sound cues - para 0165) than the segment information generated at the server (using a combination of several characteristics – para 0067), thus requiring more processing at the server.

Claim 30. Logan further teaches that the first characteristic amount of data indicates an amount of characteristics that are detected by analyzing audio data of the recorded content (see sound cues that are analyzed for generating segment bookmarks at the client apparatus - para 0165); and that the second characteristic amount data indicates an amount of characteristics that are detected by analyzing the audio data and image data or the recorded content (see abrupt changes in image content together with audio recognition for generating section metadata at the server apparatus - para 0067).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Cowgill and US 6252975 (hereinafter “Bozdagi”).

Claim 29. Logan in view of Cowgill does not explicitly teach generating the section information during the recording of a content by using the characteristic amount data in the content that has already been recorded.

Bozdagi teaches a video segmentation apparatus that segments videos in real time as the video is received (see col. 3, l. 39, 40) using key frames to represent segments of video (Abstract). The section information uses a first characteristic amount data comprising motion information from previously received frames (see Fig 3).

It would have been obvious to have combined Bozdagi's real time segmentation teaching with the apparatus of Logan in view of Cowgill, thus segmenting the video in real time as the video is received and recorded (note that content is recorded at storage 143 as it is received - Logan para 0231) and using previously received/recorded characteristic data as noted above, for the purpose of providing key frames for easily identifying video segments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427